

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH A. SANTOS,)	
)	Civil Action No. 13 – 961
Plaintiff,)	
)	District Judge Arthur J. Schwab
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
DOCTOR JIN BYUNCHAK and)	
DOCTOR MINHI,)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

This action is before the Court on the Report and Recommendation issued by Chief Magistrate Judge Lisa Pupo Lenihan on August 6, 2013. (ECF No. 7.) The magistrate judge recommended that Plaintiff's Complaint be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and that dismissal be with prejudice because granting Plaintiff leave to amend would be futile. Plaintiff was served with the Report and Recommendation and informed that he had until August 23, 2013, to file written objections. No objections were filed and the time for doing so has since expired. Therefore, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered.

AND NOW, this 29th day of August, 2013,

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), and dismissal is with prejudice because amendment would be futile.

IT IS FURTHER ORDERED that the magistrate judge's Report and Recommendation dated August 6, 2013 (ECF No. 7) is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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